IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 2ND NOVEMBER 2006 / 11TH KARTHIKA 1928

WP(C).No. 23604 of 2004(I)

PETITIONER:

RAJU, S/O. KUTTAPPAN,
THARAYISSERITHEKETHIL, KADUVINAL MURI
VALLIKUNNAM VILLAGE, MAVELIKKARA,
ALLEPPUZHA DISTRICT.

BY ADV. SRI.C.RAJENDRAN

RESPONDENTS:

---

1. STATE OF KERALA REPRESENTED BY THE
CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR, ALAPPUZHA.

3. DEPUTY TAHSILDAR (R.R.)
TALUK OFFICE, MAVELIKKARA.

4. VILLAGE OFFICER, VILLAGE OFFICE,
VALLIKUNNAM.

5. THE DISTRICT OFFICER, TODDY WORKERS
WELFARE FUND BOARD, ALAPPUZHA.

R1 TO R4 BY GOVERNMENT PLEADER SRI. I.V. PRAMOD
R5 BY SRI.RENIL ANTO, SC, KTWWF BOARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE PHOTOCOPY OF THE NO. 8B-54436/2000 DATED 20.7.2004

EXT.P2 TRUE PHOTOCOPY OF THE ARREST WARRANT DATED 20.7.2004 ISSUED BY THE 2ND RESPONDENT.

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C.NO.23604 OF 2004

Dated this the 2nd day of November, 2006

JUDGMENT

The challenge is against recovery proceedings for recovery of Toddy workers Welfare Fund contribution. Petitioner is admittedly the licensee. However, petitioner's case is that petitioner entrusted the toddy shops to others for conducting them. I do not think petitioner can escape from liability by stating that toddy shops were managed by some others based on transfer of licence granted by the petitioner. So long as the petitioner is the licensee, and petitioner happens to be the employer, the petitioner is liable to pay contribution. However, if recovery is made from the actual person, who carried on the business, then there is no need to recover it from the petitioner. O.P. is devoid of any merit and is dismissed, subject to above observation.

(C.N.RAMACHANDRAN NAIR)
Judge